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Via ECF

May 3, 2021

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
New York, New York 10007

Re: *United States v. Fredy Renan Najera Montoya*
15-cr-378 (PGG-1)

Dear Judge Gardephe:

On April 14, 2020, US Probation Officer Jill Jeffries submitted a Pre-Trial Sentencing Investigation Report (PSIR) bearing 106 paragraphs divided as follows: Background of Investigation from ¶15 to 18 Summary, ¶19 to 23, Honduras Political System, ¶24-40. Thereafter, on July 30, 2020, the Government submitted additions to the Offense Conduct section and related cases that the Probation Department had neglected to include in the draft report. Rather than affording the Defendant an opportunity to object to the factual allegations contained in the revised offense conduct and related cases, the Probation Department that **same day** issued the Final PSIR. As the case had been postponed due to the COVID pandemic the undersigned was under the impression that the original unobjected PSIR dated April 14, 2020 was the most recent addendum.

On November 23, 2020 Mr. Najera filed a Sentencing Memorandum and Objections to the PSIR specifically addressing the initial report that was prepared on April 14, 2020. (D.E. 155) At the time the objections were filed Defendant was unaware of the revised and additional paragraphs ¶ 47-98 and had not had a chance to review the new PSIR which consists of 38 pages bearing 134 paragraphs. As a result of this discovery and given the limitations of accessing a visit with defendant Najera at the Metropolitan Correctional Center the undersigned had not been able to fully review the new PSIR with Mr. Najera.

The undersigned has requested a legal visit for Monday, May 10, 2021 hoping that it will be approved. In all likelihood the Government will suggest that this is another delaying tactic, which it is not. The real concern should be how the Probation Department submitted the Final Presentence Investigation Report on July 30, 2020, without affording Defendant the opportunity to object to the factual claims incorporated into the Offense Conduct section of the report.

In light of the above, Defendant is requesting that the sentencing currently scheduled for Tuesday, May 11, 2021 at 11:00 am, be adjourned for thirty (30) days so that Defendant can have the opportunity to object to the allegations contained in the PSIR (DE146); allow the Probation

Department to meet with the parties to discuss the objections and investigate further and revise the PSIR accordingly. *See* Fed. R. Crim P.32.

Respectfully submitted,

/s/ *Joaquin Perez* /

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